

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL

In the Matter of)	
)	
MARITIME COMMUNICATIONS/LAND	)	EB Docket No. 11-71
MOBILE, LLC	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various)	
Authorizations in the Wireless Radio Services)	
Applicant for Modification of Various Authorizations)	
in the Wireless Radio Services;)	
)	
Applicant with ENCANA OIL AND GAS (USA), INC.;	)	Application File Nos.
DUQUESNE LIGHT COMPANY; DCP	)	0004030479, 0004144435,
MIDSTREAM, LP; JACKSON COUNTY RURAL	)	0004193028, 0004193328,
MEMBERSHIP ELECTRIC COOPERATIVE; PUGET	)	0004354053, 0004309872,
SOUND ENERGY, INC.; ENBRIDGE ENERGY	)	0004310060, 0004314903,
COMPANY, INC.; INTERSTATE POWER AND	)	0004315013, 0004430505,
LIGHT COMPANY; WISCONSIN POWER AND	)	0004417199, 0004419431,
LIGHT COMPANY; DIXIE ELECTRIC	)	0004422320, 0004422329,
MEMBERSHIP CORPORATION, INC.; ATLAS	)	0004507921, 0004153701,
PIPELINE—MID CONTINENT, LLC; DENTON	)	0004526264, 0004636537,
COUNTY ELECTRIC COOPERATIVE, INC., DBA	)	and 0004604962
COSERV ELECTRIC; AND SOUTHERN)	
CALIFORNIA REGIONAL RAIL AUTHORITY)	
)	
For Commission Consent to the Assignment of Various)	
Authorizations in the Wireless Radio Services)	

FILED/ACCEPTED

MAR 13 2012

Federal Communications Commission
Office of the Secretary

RESPONSE TO INTERROGATORIES

Maritime Communications/Land Mobile, LLC ("Maritime") hereby respectfully tenders these responses to the *Enforcement Bureau's First Set of Interrogatories to Maritime Relating to Nonconstruction and Discontinuance of Site-Based Operations*, served on February 28, 2012.

1. Identify each current and former lessee for each Site-based Authorization, including but not limited to the full and official name of the lessee, its principal place of business, and its main telephone number.

Central Communications Network
Grace Lindblom, President
1412 West Colonial Drive
Orlando, FL 32804
(407) 835-9500

No. of Copies rec'd
List ABCDE

0+4

Duquesne Light Company
Attention Lesley C. Gannon, Esq.
411 Seventh Avenue
Pittsburgh, PA 15219
(412) 393-1518

Evergreen School District
Bill Thackeray, Purchasing and Account Manager
13501 Northeast 28 Street, PO Box 8910, Vancouver, WA 98668
(360) 604-4084

Pinnacle Wireless, Inc.
Mike Hayford or Chris Love, Principals
80 Commerce Way
Hackensack, NJ 07601
800-214-6642 ext. 114

Puget Sound Energy, Inc.
Attn: Margaret Hopkins, Director IT Infrastructure
10885 NE 4th Street
Bellevue, WA 98009-9734
(425) 462-2875

2. *Identify, by call sign and location, each Site-based Authorization leased to Pinnacle Wireless and any documents related thereto (by document production number).*

The agreements with Pinnacle Wireless were included in the documents produced in response to the Bureau's October 26, 2011, Court-Ordered Discovery Requests. The documents were not numbered, but there is attached hereto the table listing the documents produced, each entry having been numbered by hand. The relevant Pinnacle agreements are item numbers 9, 14, and 15 on that listing.

Pinnacle Wireless leases spectrum throughout New Jersey for use by the New Jersey Transit Agency along the Garden State Parkway and New Jersey Turnpike, and by the New Jersey Sports and Entertainment Authority at The Meadowlands Complex, which includes Giants Stadium, the New Jersey Devils' hockey arena, and the Xanadu shopping center, as well as related parking lots. Pinnacle has constructed approximately 20 sites within New Jersey to service the over 800 radios that operate on the statewide system. Upon renewal, Maritime will seek to modify its license to permanently license these various sites so that the license more accurately reflects the actual usage in place.

In particular, Pinnacle has built this system within the contours of two incumbent locations, WRV374-15 in Verona, NJ and WRV374-25 in Perrinville, NJ. Because of the overlapping nature of 38 dBu service contours and 20 dBu protection contours of incumbent sites, Pinnacle operates a system that impacts and restricts operations from other Maritime incumbent sites with contours overlapping northern New Jersey

operations, including WRV374-16 in Allentown, PA, WRV374-33 in New York City, and WRV374 -18 in Valhalla, NY.

Pinnacle also leases spectrum pursuant to the geographic area license for the Mid-Atlantic Region in the middle and southern areas of NJ which impacts incumbent sites WRV374-3 in Philadelphia and WRV374-17 in Winterthur, Delaware. Thus, Maritime's ability to otherwise operate at these incumbent sites is negligible because such operations would conflict with the lease agreement and would interfere with the heavy usage of the existing Pinnacle lease operations for public safety uses. Those uses include communications among and between the New Jersey Turnpike troopers, Garden State Parkway troopers, and road crews performing hazardous duties such as signal light bulb replacement along a busy highway, and similar emergency repairs. Security forces at The Meadowlands complex also use the system. The system is used for intelligent transportation purposes along the highways, including coordination of ambulances and hazardous conditions communications to motorists, such as signs reading "Ice Ahead" or "Fog Ahead".

3. *Identify, by call sign and location, each Site-based Authorization leased to Access 220, LLC and any documents related thereto (by document production number).*

Maritime does not lease spectrum to Access 220 LLC. Maritime instead assumed the lease between Evergreen School District and Access 220 LLC and replaced that lease agreement by an amendment pursuant to which Evergreen utilizes spectrum on KAE889-3 at Livingston Peak in Clark County, Washington. The relevant agreement is item number 16 on the attached listing.

4. *Identify, by call sign and location, each Site-based Authorization leased to Atlas Pipeline Mid-Continent LLC and any documents related thereto (by document production number).*

None.

5. *Identify, by call sign and location, each Site-based Authorization leased to Denton County Electric Cooperative Inc. d/b/a Co-Serv Electric and any documents related thereto (by document production number).*

None.

6. *Identify, by call sign and location, each Site-Based Authorization leased to Duquesne Power & Light and any documents related thereto (by document production number).*

WHG750 in Harshaville, Beaver County, (near Pittsburgh), in Pennsylvania. The relevant agreement is numbered item 22 on the attached listing.

7. *Identify, by call sign and location, each Site-Based Authorization leased to Encana Oil & Gas and any documents related thereto (by document production number).*

None.

8. *Identify, by call sign and location, each Site-Based Authorization leased to Evergreen School District and any documents related thereto (by document production number).*

Evergreen School District is in Clark County, Washington. Evergreen utilizes spectrum on KAE889-3 at Livingston Peak in Clark County, Washington. Due to the overlapping service and interference contours, other sites are restricted and impacted by this lease: those sites include KAE889-13 in Portland, Oregon and KAE889-46 at Goat Mountain in Oregon. Please see Exhibits B and B-1 to the Puget Sound Energy Asset Purchase Agreement for interference protection between PSE and Evergreen School District. See Response No. 4, above.

9. *Identify, by call sign and location, each Site-Based Authorization leased to Alliant Energy and any documents related thereto (by document production number).*

None. Alliant is Interstate Power and Light and Wisconsin Power and Light, and they have a right, at their option, under Section 3(B) of the Asset Purchase Agreements to test and use the spectrum by filing either a request for Special Temporary Authority or an Experimental License application, or both. Maritime reserves this right for them which includes incumbent call signs covered by these two agreements, which are: WHG722, WHG723, WHG724, WHG725, WHG742, WHG743, and portions of KPB531 for channels 161-164 at location 3 in Kenosha, WI. The above listed incumbent call signs must be cancelled in whole or part prior to initial closing, please see Exhibit A of these agreements. (These incumbent call signs are overlapped by the geographic license area being partitioned). The relevant agreements are item numbers 29 and 30 on the attached listing. They were also included in documents produced by email on March 1, 2012 (see "Bates" number pages PK0228_000009 through PK0228_000063).

10. *Identify, by call sign and location, each Site-based Authorization leased to Questar Market Resources, Inc. and any documents related thereto (by document production number).*

None.

11. *Identify, by call sign and location, each Site-based Authorization leased to DCP Midstream, LLC and any documents related thereto (by document production number).*

None. Through an inadvertent error in a prior response, Maritime included DCP in a list of incumbent station lessees, but the agreement with DCP was an asset purchase agreement for a geographic area license and did not include a lease provision. The relevant agreement is item number 18 on the attached listing.

12. *Identify, by call sign and location, each Site-based Authorization leased to Enbridge, Inc. and any documents related thereto (by document production number).*

None.

13. *Identify, by call sign and location, each Site-based Authorization leased to Dixie Electric Membership Corporation and any documents related thereto (by document production number).*

None.

14. *Identify, by call sign and location, each Site-Based Authorization leased to Spectrum Tracking Systems and any documents related thereto (by document production number).*

None. STS leases geographic area licenses in the Southern Pacific and Mississippi River license areas. STS uses the tracking service in conjunction with the FBI and law enforcement in Houston, Los Angeles, Birmingham, Little Rock and Dallas. However, STS operations do overlap incumbent sites in Houston, Texas and Orange County, CA and Los Angeles, CA, thereby restricting or preventing operations at locations near Houston and Los Angeles, such WHG708 and at KAE889-14.

15. *Identify, by call sign and location, each Site-Based Authorization leased to Central Communications Network and any documents related thereto (by document production number).*

CCN leases WRV374-39 in Clearwater and WRV374-12 in Orlando, FL. Although Maritime has been forced to sue CCN for non-payment of this lease, Maritime has never cancelled the lease, which runs through 2014. The relevant agreement was included in documents produced by email on March 1, 2012 (see "Bates" number pages PK0228_000085 through PK0228_000100. CCN constructed 14 lower sites within the footprint of the incumbent sites and loaded PassPort users on these sites.

CCN reneged on its lease payments, and Maritime was awarded a \$900K judgment against CCN. Maritime is actively attempting to collect on that judgment. Prior to filing Chapter 11, Maritime retained a collection agent, as follows:

Wayne Robinson
Royal Mercantile Trust
Tel: 772-220-1300 ext 220
Tel: 800-327-9714 ext 220
Fax: 772-283-9100
Cell: 772-485-0111
Email: wrobinson@rmtc.com

Royal Mercantile Trust is a collection agency retained well prior to Maritime filing Chapter 11. Maritime believes that some or all of the sites may be temporarily off the air due to CCN's financial condition, but Maritime does not have any direct knowledge of this. CCN continues to operate as a business. Maritime is not sure how long, if at all, the sites ceased operating under CCN's management. To date, CCN has been uncooperative with Maritime's efforts to collect on its judgment against CCN or seize the equipment. Maritime continues its collection efforts, and it certainly has not abandoned these sites.

16. *Identify, by call sign and location, each Site-Based Authorization leased to Shenandoah Electric, and any documents related thereto (by document production number).*

None.

17. *Identify, by call sign and location, each Site-Based Authorization leased to Rappahannock Electric and any documents related thereto (by document production number).*

None. Rappahannock Electric leases spectrum pursuant to Maritime's Mid-Atlantic geographic license. However this usage overlaps with and therefore restricts incumbent location WRV374-29 in Richmond, VA. The relevant agreement is item number 19 on the attached listing.

18. *Identify, by call sign and location, each Site-Based Authorization leased to Jackson County Rural Electric, and any documents related thereto (by document production number).*

None.

19. *Specify each location and frequency of any Site-Based Authorization leased to Central Communications Network for which you allege in your response to Joint Interrogatory No. 8 that operations have ceased.*

Maritime did not so state in its response to Joint Interrogatory No. 8.

20. *For each location and frequency you identified in your response to Interrogatory No. 19, above, describe why operations have ceased and for how long any such location and frequency has not been operating.*

Please refer to the preceding response.

21. *Specify each location and frequency of any Site-based Authorization from which you allege in your response to Joint Interrogatory No. 7 that "Maritime may have, from time to time, temporarily removed equipment."*

Maritime's authorized two way radio dealer, Eagle Communications, Inc., removed equipment from Santiago Peak, CA in or around August 2010 due to interference between Maritime's system operating there and the testing work performed by Southern California Regional Rail Authority. In particular, Maritime and Metrolink agreed in the Asset Purchase Agreement that Maritime would deconstruct that site and cancel that incumbent license on or prior to the assignment of the partitioned geographic Southern Pacific license to SCRRA (Metrolink). Maritime intends to return to that site in the event the APA with Metrolink is not approved by the FCC or otherwise fails to close.

Mobex, the prior licensee, changed technology platforms, building LTR and MPT-1327 format systems in various markets on the East Coast, West Coast and Great Lakes to meet original construction requirements. Mobex entered an agreement with Motorola in or around 2003 to permit Motorola to replace some of those LTR and MPT-1327 format systems with Motorola Passport format systems in the Chicago, New York, Washington, DC, Baltimore and Philadelphia markets. Moreover, CCN replaced the original Mobex LTR format system in Central Florida with a 14-site Passport format system that utilizes all the channels from the Clearwater and Orlando sites in Central Florida.

In addition, the prior response was intended to cover the situations in which, for maintenance, repair, or similar reasons a particular part of a station may be temporarily removed or replaced with another unit (e.g., changing out an antenna, replacing a radio, etc.). Maritime cannot state specific sites or dates where this occurred, but it is a routine occasional occurrence in any operating system. Any such removals would have been for very short periods, usually minutes or a few hours.

22. *For each location and frequency you provided in response to Interrogatory No. 21, above; describe why "Maritime may have, from time to time, temporarily removed equipment" and the length of time during which such equipment may have been removed.*

See the response to Interrogatory No. 21, above.

23. *Specify each location and frequency of each Site-based Authorization for which you allege in your response to Joint Interrogatory No. 7 that "payment of site leases and utilities fell into arrears" and the time period during which each such payment was or has been in arrears.*

As part of the terms of the Maritime acquisition, all of Mobex's lease payment obligations were paid in full up to the closing date, and Maritime was therefore current on all payments going forward as of January of 2006.

Due to the extremely high cost of defending itself against Warren Havens litigation at the FCC, before state courts in California and federal courts in New Jersey, Maritime felt constrained to keep up with utilities and site rents in the 2007-2009 timeframe. During this same time period, CCN reneged in its lease payments to Maritime, creating a financial perfect storm. As a result, payments once again fell into arrears at various sites.

In particular, KAE889 locations in the Pacific Northwest generally fell behind in the timeframe 2007-2009. These site rents in Washington State were brought current in early 2010 and utilities were paid current and continued to operate up until the time of the bankruptcy filing, August 1, 2011. Since the Chapter 11 filing, the rents and utilities have again fallen behind.

Payment fell into arrears on site rents on the East Coast at locations in Savannah, GA, Hamden Connecticut, Rehoboth, MA, New York, NY, Selden, NY, and Valhalla, NY generally in this same time frame of 2007-2009. Rents were brought current or new leases negotiated and utilities paid up through 2010, and were paid current up until the time of the bankruptcy filing, August 1, 2011. Since the Chapter 11 filing, the rents have again fallen behind.

The Raymond, ME, Fajardo, PR, Charleston, SC, Spaulding, FL, West Palm Beach, FL and Miami, FL rents fell behind in 2007-2008 timeframe and remain unpaid. Maritime has negotiated new leases for several of these sites, including Miami and Spaulding, FL, but the filing of Chapter 11 has stalled those efforts.

In Perrinville, NJ and Verona, NJ, Maritime operates its channels, through Pinnacle Wireless as the lessee, at the approximately 20 locations along the New Jersey Turnpike, the Garden State Parkway, and at The Meadowlands. Maritime paid the Verona, NJ lease manager, Pinnacle Wireless, in 2009 for back rent and for six months' rent going forward. The rooftop of the building, known as Claridge House, was under repair and Maritime's equipment may have been removed by the site owner during this time. Unknown to Maritime, Pinnacle lost the right to manage that site sometime in 2010, so that Maritime's payments to Pinnacle for restoration of that site did not in fact result in replacement of Maritime's equipment at the site at that time. Maritime has attempted to enter a new lease with the new management company for that site, but has been unable to do so because the roof was under repair.

At Perrinville, NJ the site is in a rock quarry and has fallen into disrepair. This site is temporarily off the air. Maritime entered a new lease with Diamond Communications at a nearby site but filed Chapter 11 before it could begin the installation process at this site. Maritime intends to modify its license to move the Perrinville licensed location to the Diamond Communications site once Maritime emerges from Chapter 11.

Like the Verona site mentioned above, the majority of channels are used by Pinnacle Wireless customers the New Jersey Turnpike and Garden State Parkway personnel in the area surrounding this site. Maritime questions the wisdom of providing a "channel saver" at this location simply to protect the licensed location; Maritime instead believes the Commission should be gratified with the public service being provided using the channels. Maritime notes that service to over 800 radios occurs daily all around this location, and that Maritime has never abandoned its service of the population around this contour.

24. *Describe all steps you have taken to obtain corporate and operational records of Mobex that were not destroyed when storage fees fell into arrears.*

Additional records of Mobex were located within the 12 boxes of documents (scanned and produced to the Bureau on disk), and in accounting computer files in Maritime's Clarksville, Indiana offices. In addition, Maritime has produced accounting and tax return records as well as USAC filings that provide evidence of the construction and operation of facilities. The availability of older Mobex documents was also discussed in the affidavit of Mr. David Predmore, the former Chief Administrative Officer of Mobex, submitted in connection with the WRV374 renewal proceeding. A copy is included in the single box of documents produced to the Bureau on or about February 8, 2012, numbered RJK_41.

25. *Organizing your response by location and frequency of each Site-based Authorization, identify all documents (by document production number) on which Maritime is relying for its statement in response to Joint Interrogatory No. 2 that "construction of each of the listed facilities was completed within the applicable construction deadline, even where the exact dates are unknown."*

As previously explained, Maritime does not know the specific construction completion dates for the majority of the incumbent facilities, but has stated on information and good faith belief that each of the facilities was timely constructed. Except as stated in the next paragraph, these facilities were in place and operating, and each of the licenses had subsequently gone through at least one renewal cycle prior to acquisition by Mobex. Moreover, the Commission staff conducted an audit of the construction status of most of these stations at the time of the scheduling of the first AMTS auction. Finally, Maritime is aware of no information that would indicate that any of these stations was not timely constructed. On that basis, Maritime's assertion of timely construction on information and good faith belief is justified.

As to those site locations for Station WRV374 as to which the construction deadlines were after acquisition of the Regionet licenses by Mobex, the statements were based on the personal knowledge of Tim Smith, a current Maritime employee who was a Mobex employee at the time of such construction. In determining the specified completion dates, Maritime relied on the construction completion notices executed by Paul vander Heyden and filed with the Commission at the time. These documents were produced on or about February 8, 2012, as Item RJK_31 in the single box of documents. It is also believe that some or all of these same letters are included among the scanned documents on the disk.

26. *Organizing your response by location and frequency of each Site-based Authorization, identify all documents (by document production number) on which Maritime is relying for its statement in response to Joint Interrogatory No. 5 that "each facility was placed into operation on the date construction was completed."*

Please refer to the response to Interrogatory No. 25, above. As previously explained, Maritime deems a station to be "placed in operation" as of the date construction was completed and the station was operational and capable of handling traffic.

27. *Organizing your response by location and frequency of each Site-based Authorization, identify all documents (by document production number) on which Maritime is relying for its statement in response to Joint Interrogatory No. 12 that "none" of the locations and frequencies of the Site-based Authorizations were placed in operation more than two years after grant of the authorization for that location and frequency.*

Please refer to the response to Interrogatory No. 25, above.

28. *Describe your legal basis (including but not limited to any case law or other legal precedent) for Maritime's contention in its June 30, 2011 Responses to the Bureau's Requests for Admission at Request Nos. 122, 126, 142, 146, 150, 154, 158, 162, 166, 169, and 173 that the discontinuance of operations of any facility for a Site-based Authorization licensed to Maritime, including but not limited to any Site-based Authorization that Maritime acquired from Mobex, is not permanent.*

OBJECTION. This is an improper interrogatory. It does not seek factual information, but rather calls for legal conclusions and a statement of legal positions and strategies.

Respectfully Submitted,

✓ 

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Land Mobile, LLC

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Law Offices of Robert J. Keller, P.C.
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Washington, D.C. 20033

Dated: March 13, 2012

ATTACHMENT

Documents Being Produced in Response to the Enforcement Bureau's October 26, 2011, Court-Ordered Discovery Requests

Promissory Notes & Related Documents

- 1 • Promissory note and related documents in connection with secured claim of Pinnacle National Bank
- 2 • Promissory note and related documents in connection with loans made to MCLM by various individuals

Valuations, Appraisals, etc.

- 3 • 13-Dec-03 Analysis of Intangible Assets of MOBEX Communications, Inc. Prepared by Bond & Pecaro
- 4 • 31-Jul-08 AMTS Spectrum Auction Proposal Prepared by Spectrum Bridge
- 5 • 1-Sep-08 Fair Market Valuation of FCC Licenses Prepared by Bond & Pecaro
- 6 • 2-Sep-08 Proposal to Market & Sell AMTS Spectrum Prepared by Spectrum Bridge, Inc.

Purchase and Spectrum Lease Agreements

- 7 • 20-May-05 Purchase agreement between MOBEX Network Services and MCLM
- 8 • 22-Dec-05 Lease agreement between MOBEX and Pinnacle Wireless, Inc.
- 9 • 24-Jan-06 Lease agreement with Pinnacle Wireless, Inc.
- 10 • 1-Dec-07 Lease agreement with NRTC LLC
- 11 • 1-Jan-08 Lease agreement with NRTC LLC
- 12 • 5-Jun-08 Lease agreement with NRTC LLC
- 13 • 30-Oct-08 Lease agreement with Evergreen School District
- 14 • 15-Dec-08 Lease agreement with Pinnacle Wireless, Inc.
- 15 • 15-Dec-08 Lease agreement with Pinnacle Wireless, Inc.
- 16 • 29-May-09 Lease agreement with Access 220 LLC
- 17 • 29-Jun-09 Purchase agreement with EnCana Oil & Gas (USA) Inc.
- 18 • 14-Aug-09 ✓ Purchase and lease agreement with DCP Midstream LLC
- 19 • 25-Sep-09 Lease agreement with Rappahannock Electric Cooperative
- 20 • 5-Feb-10 Purchase agreement with Southern California Regional Rail Authority
- 21 • 7-Feb-10 Purchase and lease agreement with Denton County Electric Coop. Inc

Documents Being Produced in Response to the Enforcement
Bureau's October 26, 2011, Court-Ordered Discovery Requests
(Page Two)

Purchase and Spectrum Lease Agreements (continued) ...

22	18-Feb-10	Purchase agreement with Duquesne Light Company
23	21-Apr-10	Purchase agreement with Jackson County REMC
24	10-May-10	Purchase agreement with Questar Market Resources, Inc.
25	11-May-10	Purchase agreement with Questar Market Resources, Inc.
26	12-May-10	Lease agreement with Questar Market Resources, Inc.
27	20-May-10	Purchase and lease agreement with Puget Sound Energy, Inc.
28	20-May-10	Lease agreement with Puget Sound Energy, Inc.
29	10-Sep-10	Purchase agreement with Interstate Power and Light Company
30	10-Sep-10	Purchase agreement with Wisconsin Power and Light Company
31	10-Sep-10	Purchase agreement with EnCana Oil & Gas (USA) Inc.
32	14-Sep-10	Purchase and lease agreement with Enbridge, Inc.
33	14-Sep-10	Lease and lease agreement with Enbridge, Inc.
34	25-Oct-10	Purchase and lease agreement with Dixie Electric Membership Corp.
35	16-Nov-10	Lease agreement with EnCana Oil & Gas (USA) Inc.
36	19-Nov-10	Purchase agreement with Atlas Pipeline Mid-Continent LLC
37	19-Nov-10	Lease agreement with Atlas Pipeline Mid-Continent LLC
38	16-Dec-10	Purchase agreement with EnCana Oil & Gas (USA) Inc.
39	21-Dec-10	Lease agreement with Progress Energy Carolinas, Inc.
40	21-Dec-10	Purchase agreement with Progress Energy Carolinas, Inc.
41	7-Feb-11	Lease agreement with Denton County Electric Cooperative Inc.

Declaration of Robert T. Smith

I, Robert T. Smith, state that I have assisted in the preparation of and have reviewed a final draft of the response of Maritime Communications/Land Mobile, LLC to the Enforcement Bureau's interrogatories served on Maritime on February 28, 2012, in Federal Communications Commission EB Docket No. 11-71; that I am generally familiar with the factual matters addressed in said response; and that the factual assertions made in the response are, to the best of my knowledge, information, and belief, are true and accurate, and are made in good faith.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 13th day of March, 2012.


Robert T. Smith

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March, 2012, I caused copies of the foregoing pleading to be served, by U.S. Postal Service, First Class postage prepaid, on the following:

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